

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

QUINDON M. YELDER,

Plaintiff,

vs.

LLOYD J. AUSTINIII, Secretary of Defense;

Defendant.

8:21CV320

**SECOND AMENDED  
FINAL PROGRESSION ORDER**

This matter is before the Court on the parties' Joint Motion to Extend Deadlines. ([Filing No. 77.](#)) The motion is granted.

Accordingly,

**IT IS ORDERED** that the provisions of the Court's previous final progression orders remain in effect, and in addition to those provisions, progression shall be amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings remains as scheduled** and will be held with the undersigned magistrate judge by telephone on **January 11, 2024** at **1:00 p.m.** Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 34.](#))
- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **January 8, 2024**.
  - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 5.
  - b. Depositions will be limited by Rule 30(d)(1).
- 3) The deadline for filing motions to dismiss and motions for summary judgment is **February 22, 2024**.
- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **February 2, 2024**.
- 5) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 6) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent

development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

- 7) For good cause shown, Plaintiff is granted leave to serve Requests for Admission upon Defendant as requested in the Joint Motion to Extend.

Dated this 4<sup>th</sup> day of January, 2024.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge